

Jamie M. Brickell
Suyin So
PRYOR CASHMAN LLP
410 Park Avenue
New York, New York 10022
(212) 421-4100
Attorneys for Penson Development, Inc.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X	
FRANK FARRICKER,	:
	:
Plaintiff,	:
	:
v.	:
	:
PENSON DEVELOPMENT, INC.,	:
	:
Defendant.	:
-----X	

ECF Case

Civil Action No:
07-CV-11191 (DAB)

NOTICE OF MOTION

Oral Argument Requested

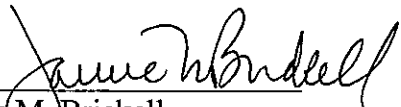
PLEASE TAKE NOTICE, that upon the annexed Affirmation of Jamie M. Brickell and the exhibits annexed thereto, together with the accompanying Memorandum of Law, the undersigned will move this Court before the Honorable Deborah A. Batts, in Room 2510 at the United States Courthouse at 500 Pearl Street, New York, New York 10007, on April 8, 2008, or as soon thereafter as counsel can be heard, for an order pursuant to Fed. R. Civ. P. 12(b)(6) dismissing Plaintiff's Amended Complaint dated January 30, 2008 in its entirety, and for such other and further relief as the Court deems just and proper.

PLEASE TAKE FURTHER NOTICE, that pursuant to stipulation of the parties, answering papers, if any, shall be served on or before March 28, 2008;

PLEASE TAKE FURTHER NOTICE, that pursuant to stipulation of the parties, reply papers, if any, shall be served on or before April 4, 2008.

Dated: New York, New York
February 29, 2008

PRYOR CASHMAN LLP

By: 
Jamie M. Brickell
jbrickell@pryorcashman.com
Suyin So
sso@pryorcashman.com
410 Park Avenue
New York, New York 10020
(212) 421-4100
Attorneys for Penson Development, Inc.

TO: VLADECK, WALDMAN, ELIAS & ENGLHARD, P.C.
Debra Raskin, Esq.
Jeremeiah Iadevaia, Esq.
1501 Broadway
New York, New York 10036
(212) 316-6000
Attorneys for Plaintiff